

1 AN ACT concerning elections.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Election Code is amended by changing  
5 Sections 24A-9, 24A-15, 24A-16, 24B-9, 24B-15, 24B-16, 24C-9,  
6 24C-15, and 24C-16 as follows:

7 (10 ILCS 5/24A-9) (from Ch. 46, par. 24A-9)

8 Sec. 24A-9. Prior to the public test, the election  
9 authority shall conduct an errorless pre-test of the automatic  
10 tabulating equipment and program to ascertain that they will  
11 correctly count the votes cast for all offices and all  
12 measures. On any day not less than 5 days prior to the election  
13 day, the election authority shall publicly test the automatic  
14 tabulating equipment and program to ascertain that they will  
15 correctly count the votes cast for all offices and on all  
16 measures. Public notice of the time and place of the test shall  
17 be given at least 48 hours prior thereto by publication once in  
18 one or more newspapers published within the election  
19 jurisdiction of the election authority if a newspaper is  
20 published therein, otherwise in a newspaper of general  
21 circulation therein. Timely written notice stating the date,  
22 time and location of the public test shall also be provided to  
23 the State Board of Elections. The test shall be open to  
24 representatives of the political parties, the press,  
25 representatives of the State Board of Elections, and the  
26 public. The test shall be conducted by processing a preaudited  
27 group of ballots so punched or marked as to record a  
28 predetermined number of valid votes for each candidate and on  
29 each measure, and shall include for each office one or more  
30 ballots which have votes in excess of the number allowed by law  
31 in order to test the ability of the automatic tabulating  
32 equipment to reject such votes. Such test shall also include

1 the use of precinct header cards and may include the production  
2 of an edit listing. In those election jurisdictions where  
3 in-precinct counting equipment is utilized, a public test of  
4 both such equipment and program shall be conducted as nearly as  
5 possible in the manner prescribed above. The State Board of  
6 Elections may select as many election jurisdictions as the  
7 Board deems advisable in the interests of the election process  
8 of this State in which to order a special test of the automatic  
9 tabulating equipment and program prior to any regular election.  
10 The Board may order a special test in any election jurisdiction  
11 where, during the preceding twelve months, computer  
12 programming errors or other errors in the use of electronic  
13 voting systems resulted in vote tabulation errors. Not less  
14 than 30 days prior to any election, the State Board of  
15 Elections shall provide written notice to those selected  
16 jurisdictions of their intent to conduct a test. Within 5 days  
17 of receipt of the State Board of Elections' written notice of  
18 intent to conduct a test, the selected jurisdictions shall  
19 forward to the principal office of the State Board of Elections  
20 a copy of all specimen ballots. The State Board of Elections'  
21 tests shall be conducted and completed not less than 2 days  
22 prior to the public test ~~utilizing testing materials supplied~~  
23 ~~by the Board~~ and under the supervision of the Board. The  
24 vendor, person, or other private entity shall be solely  
25 responsible for the production and cost of: all ballots;  
26 additional temporary workers; and other equipment or  
27 facilities needed and used in the testing of the vendor's,  
28 person's, or other private entity's respective equipment and  
29 software., ~~and the Board shall reimburse the election authority~~  
30 ~~for the reasonable cost of computer time required to conduct~~  
31 ~~the special test.~~ After an errorless test, materials used in  
32 the public test, including the program, if appropriate, shall  
33 be sealed and remain so until the test is run again on election  
34 day. If any error is detected, the cause therefor shall be  
35 ascertained and corrected and an errorless public test shall be  
36 made before the automatic tabulating equipment is approved.

1 Each election authority shall file a sealed copy of each tested  
2 program to be used within its jurisdiction at an election with  
3 the State Board of Elections prior to the election. The Board  
4 shall secure the program or programs of each election  
5 jurisdiction so filed in its office for the 60 days following  
6 the canvass and proclamation of election results. Upon the  
7 expiration of that time, if no election contest or appeal  
8 therefrom is pending in an election jurisdiction, the Board  
9 shall destroy ~~return~~ the sealed program or programs ~~to the~~  
10 ~~election authority of the jurisdiction.~~ Except where  
11 in-precinct counting equipment is utilized, the test shall be  
12 repeated immediately before the start of the official count of  
13 the ballots, in the same manner as set forth above. After the  
14 completion of the count, the test shall be re-run using the  
15 same program. An election jurisdiction that was employing, as  
16 of January 1, 1983, an electronic voting system that, because  
17 of its design, is not technically capable of compliance with  
18 such a post-tabulation testing requirement shall satisfy the  
19 post-tabulation testing requirement by conducting the  
20 post-tabulation test on a duplicate program until such  
21 electronic voting system is replaced or until November 1, 1992,  
22 whichever is earlier. Immediately thereafter the ballots, all  
23 material employed in testing the program and the program shall  
24 be sealed and retained under the custody of the election  
25 authority for a period of 60 days. At the expiration of that  
26 time the election authority shall destroy the voted ballot  
27 cards, together with all unused ballots returned from the  
28 precincts. Provided, if any contest of election is pending at  
29 such time in which such ballots may be required as evidence and  
30 such election authority has notice thereof, the same shall not  
31 be destroyed until after such contest is finally determined. If  
32 the use of back-up equipment becomes necessary, the same  
33 testing required for the original equipment shall be conducted.  
34 (Source: P.A. 86-873; 86-874; 86-1028; 87-1052.)

1           Sec. 24A-15. The precinct return printed by the automatic  
2 tabulating equipment shall include the number of ballots cast  
3 and votes cast for each candidate and proposition and shall  
4 constitute the official return of each precinct. In addition to  
5 the precinct return, the election authority shall provide the  
6 number of applications for ballots in each precinct, the  
7 write-in votes, the total number of ballots counted in each  
8 precinct for each political subdivision and district and the  
9 number of registered voters in each precinct. However, the  
10 election authority shall check the totals shown by the precinct  
11 return and, if there is an obvious discrepancy with respect to  
12 the total number of votes cast in any precinct, shall have the  
13 ballots for such precinct retabulated to correct the return.  
14 The procedures for retabulation shall apply prior to and after  
15 the proclamation is completed; however, after the proclamation  
16 of results, the election authority must obtain a court order to  
17 unseal voted ballots except for election contests and discovery  
18 recounts. In those election jurisdictions that utilize  
19 in-precinct counting equipment, the certificate of results,  
20 which has been prepared by the judges of election in the  
21 polling place after the ballots have been tabulated, shall be  
22 the document used for the canvass of votes for such precinct.  
23 Whenever a discrepancy exists during the canvass of votes  
24 between the unofficial results and the certificate of results,  
25 or whenever a discrepancy exists during the canvass of votes  
26 between the certificate of results and the set of totals which  
27 has been affixed to such certificate of results, the ballots  
28 for such precinct shall be retabulated to correct the return.  
29 As an additional part of this check prior to the proclamation,  
30 in those jurisdictions where in-precinct counting equipment is  
31 utilized, the election authority shall retabulate the total  
32 number of votes cast in 5% of the precincts within the election  
33 jurisdiction. The precincts to be retabulated shall be selected  
34 after election day on a random basis by the State Board of  
35 Elections ~~election authority~~, so that every precinct in the  
36 election jurisdiction has an equal mathematical chance of being

1 selected. The State Board of Elections shall design a standard  
2 and scientific random method of selecting the precincts which  
3 are to be retabulated, and the election authority shall be  
4 required to utilize such method. ~~The State Board of Elections,~~  
5 ~~the State's Attorney and other appropriate law enforcement~~  
6 ~~agencies, the county chairman of each established political~~  
7 ~~party and qualified civic organizations shall be given prior~~  
8 ~~written notice of the time and place of such random selection~~  
9 ~~procedure and may be represented at such procedure.~~ Such  
10 retabulation shall consist of counting the ballot cards which  
11 were originally counted and shall not involve any determination  
12 as to which ballot cards were, in fact, properly counted. The  
13 ballots from the precincts selected for such retabulation shall  
14 remain at all times under the custody and control of the  
15 election authority and shall be transported and retabulated by  
16 the designated staff of the election authority.

17 As part of such retabulation, the election authority shall  
18 test the computer program in the selected precincts. Such test  
19 shall be conducted by processing a preaudited group of ballots  
20 so punched so as to record a predetermined number of valid  
21 votes for each candidate and on each public question, and shall  
22 include for each office one or more ballots which have votes in  
23 excess of the number allowed by law in order to test the  
24 ability of the equipment to reject such votes. If any error is  
25 detected, the cause therefor shall be ascertained and corrected  
26 and an errorless count shall be made prior to the official  
27 canvass and proclamation of election results.

28 The State Board of Elections, the State's Attorney and  
29 other appropriate law enforcement agencies, the county  
30 chairman of each established political party and qualified  
31 civic organizations shall be given prior written notice of the  
32 time and place of such retabulation and may be represented at  
33 such retabulation.

34 The results of this retabulation shall be treated in the  
35 same manner and have the same effect as the results of the  
36 discovery procedures set forth in Section 22-9.1 of this Act.

1 Upon completion of the retabulation, the election authority  
2 shall print a comparison of the results of the retabulation  
3 with the original precinct return printed by the automatic  
4 tabulating equipment. Such comparison shall be done for each  
5 precinct and for each office voted upon within that precinct,  
6 and the comparisons shall be open to the public.

7 (Source: P.A. 89-700, eff. 1-17-97.)

8 (10 ILCS 5/24A-16) (from Ch. 46, par. 24A-16)

9 Sec. 24A-16. The State Board of Elections shall approve all  
10 voting systems provided by this Article.

11 No voting system shall be approved unless it fulfills the  
12 following requirements:

13 (1) It enables a voter to vote in absolute secrecy;

14 (2) (Blank);

15 (3) It enables a voter to vote a ticket selected in part  
16 from the nominees of one party, and in part from the nominees  
17 of any or all parties, and in part from independent candidates  
18 and in part of candidates whose names are written in by the  
19 voter;

20 (4) It enables a voter to vote a written or printed ticket  
21 of his own selection for any person for any office for whom he  
22 may desire to vote;

23 (5) It will reject all votes for an office or upon a  
24 proposition when the voter has cast more votes for such office  
25 or upon such proposition than he is entitled to cast;

26 (6) It will accommodate all propositions to be submitted to  
27 the voters in the form provided by law or, where no such form  
28 is provided, then in brief form, not to exceed 75 words.

29 The State Board of Elections is authorized to withdraw its  
30 approval of a voting system if the system fails to fulfill the  
31 above requirements.

32 The vendor, person, or other private entity shall be solely  
33 responsible for the production and cost of: all ballots;  
34 additional temporary workers; and other equipment or  
35 facilities needed and used in the testing of the vendor's,

1 person's, or other private entity's respective equipment and  
2 software.

3 No vendor, person or other entity may sell, lease or loan a  
4 voting system or voting system component to any election  
5 jurisdiction unless the voting system or voting system  
6 component is first approved by the State Board of Elections  
7 pursuant to this Section.

8 (Source: P.A. 89-700, eff. 1-17-97.)

9 (10 ILCS 5/24B-9)

10 Sec. 24B-9. Testing of Precinct Tabulation Optical Scan  
11 Technology Equipment and Program; Custody of Programs, Test  
12 Materials and Ballots. Prior to the public test, the election  
13 authority shall conduct an errorless pre-test of the automatic  
14 Precinct Tabulation Optical Scan Technology tabulating  
15 equipment and program and marking device to determine that they  
16 will correctly detect Voting Defects and count the votes cast  
17 for all offices and all measures. On any day not less than 5  
18 days prior to the election day, the election authority shall  
19 publicly test the automatic Precinct Tabulation Optical Scan  
20 Technology tabulating equipment and program to determine that  
21 they will correctly detect Voting Defects and count the votes  
22 cast for all offices and on all measures. Public notice of the  
23 time and place of the test shall be given at least 48 hours  
24 before the test by publishing the notice in one or more  
25 newspapers within the election jurisdiction of the election  
26 authority, if a newspaper is published in that jurisdiction. If  
27 a newspaper is not published in that jurisdiction, notice shall  
28 be published in a newspaper of general circulation in that  
29 jurisdiction. Timely written notice stating the date, time, and  
30 location of the public test shall also be provided to the State  
31 Board of Elections. The test shall be open to representatives  
32 of the political parties, the press, representatives of the  
33 State Board of Elections, and the public. The test shall be  
34 conducted by processing a preaudited group of ballots marked to  
35 record a predetermined number of valid votes for each candidate

1 and on each measure, and shall include for each office one or  
2 more ballots having votes exceeding the number allowed by law  
3 to test the ability of the automatic tabulating equipment or  
4 marking device to reject the votes. The test shall also include  
5 producing an edit listing. In those election jurisdictions  
6 where in-precinct counting equipment is used, a public test of  
7 both the equipment and program shall be conducted as nearly as  
8 possible in the manner prescribed above. The State Board of  
9 Elections may select as many election jurisdictions as the  
10 Board deems advisable in the interests of the election process  
11 of this State, to order a special test of the automatic  
12 tabulating equipment and program before any regular election.  
13 The Board may order a special test in any election jurisdiction  
14 where, during the preceding 12 months, computer programming  
15 errors or other errors in the use of electronic voting systems  
16 resulted in vote tabulation errors. Not less than 30 days  
17 before any election, the State Board of Elections shall provide  
18 written notice to those selected jurisdictions of their intent  
19 to conduct a test. Within 5 days of receipt of the State Board  
20 of Elections' written notice of intent to conduct a test, the  
21 selected jurisdictions shall forward to the principal office of  
22 the State Board of Elections a copy of all specimen ballots.  
23 The State Board of Elections' tests shall be conducted and  
24 completed not less than 2 days before the public test ~~utilizing~~  
25 ~~testing materials supplied by the Board~~ and under the  
26 supervision of the Board. The vendor, person, or other private  
27 entity shall be solely responsible for the production and cost  
28 of: all ballots; additional temporary workers; and other  
29 equipment or facilities needed and used in the testing of the  
30 vendor's, person's, or other private entity's respective  
31 equipment and software. ~~and the Board shall reimburse the~~  
32 ~~election authority for the reasonable cost of computer time~~  
33 ~~required to conduct the special test.~~ After an errorless test,  
34 materials used in the public test, including the program, if  
35 appropriate, shall be sealed and remain sealed until the test  
36 is run again on election day. If any error is detected, the

1 cause of the error shall be determined and corrected, and an  
2 errorless public test shall be made before the automatic  
3 tabulating equipment is approved. Each election authority  
4 shall file a sealed copy of each tested program to be used  
5 within its jurisdiction at an election with the State Board of  
6 Elections before the election. The Board shall secure the  
7 program or programs of each election jurisdiction so filed in  
8 its office for the 60 days following the canvass and  
9 proclamation of election results. At the expiration of that  
10 time, if no election contest or appeal is pending in an  
11 election jurisdiction, the Board shall destroy ~~return~~ the  
12 sealed program or programs ~~to the election authority of the~~  
13 ~~jurisdiction~~. Except where in-precinct counting equipment is  
14 used, the test shall be repeated immediately before the start  
15 of the official counting of the ballots, in the same manner as  
16 set forth above. After the completion of the count, the test  
17 shall be re-run using the same program. Immediately after the  
18 re-run, all material used in testing the program and the  
19 programs shall be sealed and retained under the custody of the  
20 election authority for a period of 60 days. At the expiration  
21 of that time the election authority shall destroy the voted  
22 ballots, together with all unused ballots returned from the  
23 precincts. Provided, if any contest of election is pending at  
24 the time in which the ballots may be required as evidence and  
25 the election authority has notice of the contest, the same  
26 shall not be destroyed until after the contest is finally  
27 determined. If the use of back-up equipment becomes necessary,  
28 the same testing required for the original equipment shall be  
29 conducted.

30 (Source: P.A. 93-574, eff. 8-21-03.)

31 (10 ILCS 5/24B-15)

32 Sec. 24B-15. Official Return of Precinct; Check of Totals;  
33 Retabulation. The precinct return printed by the automatic  
34 Precinct Tabulation Optical Scan Technology tabulating  
35 equipment shall include the number of ballots cast and votes

1 cast for each candidate and proposition and shall constitute  
2 the official return of each precinct. In addition to the  
3 precinct return, the election authority shall provide the  
4 number of applications for ballots in each precinct, the  
5 write-in votes, the total number of ballots counted in each  
6 precinct for each political subdivision and district and the  
7 number of registered voters in each precinct. However, the  
8 election authority shall check the totals shown by the precinct  
9 return and, if there is an obvious discrepancy regarding the  
10 total number of votes cast in any precinct, shall have the  
11 ballots for that precinct retabulated to correct the return.  
12 The procedures for retabulation shall apply prior to and after  
13 the proclamation is completed; however, after the proclamation  
14 of results, the election authority must obtain a court order to  
15 unseal voted ballots except for election contests and discovery  
16 recounts. In those election jurisdictions that use in-precinct  
17 counting equipment, the certificate of results, which has been  
18 prepared by the judges of election in the polling place after  
19 the ballots have been tabulated, shall be the document used for  
20 the canvass of votes for such precinct. Whenever a discrepancy  
21 exists during the canvass of votes between the unofficial  
22 results and the certificate of results, or whenever a  
23 discrepancy exists during the canvass of votes between the  
24 certificate of results and the set of totals which has been  
25 affixed to the certificate of results, the ballots for that  
26 precinct shall be retabulated to correct the return. As an  
27 additional part of this check prior to the proclamation, in  
28 those jurisdictions where in-precinct counting equipment is  
29 used, the election authority shall retabulate the total number  
30 of votes cast in 5% of the precincts within the election  
31 jurisdiction. The precincts to be retabulated shall be selected  
32 after election day on a random basis by the State Board of  
33 Elections ~~election authority~~, so that every precinct in the  
34 election jurisdiction has an equal mathematical chance of being  
35 selected. The State Board of Elections shall design a standard  
36 and scientific random method of selecting the precincts which

1 are to be retabulated, and the election authority shall be  
2 required to use that method. ~~The State Board of Elections, the~~  
3 ~~State's Attorney and other appropriate law enforcement~~  
4 ~~agencies, the county chairman of each established political~~  
5 ~~party and qualified civic organizations shall be given prior~~  
6 ~~written notice of the time and place of the random selection~~  
7 ~~procedure and may be represented at the procedure.~~ The  
8 retabulation shall consist of counting the ballots which were  
9 originally counted and shall not involve any determination of  
10 which ballots were, in fact, properly counted. The ballots from  
11 the precincts selected for the retabulation shall remain at all  
12 times under the custody and control of the election authority  
13 and shall be transported and retabulated by the designated  
14 staff of the election authority.

15 As part of the retabulation, the election authority shall  
16 test the computer program in the selected precincts. The test  
17 shall be conducted by processing a preaudited group of ballots  
18 marked to record a predetermined number of valid votes for each  
19 candidate and on each public question, and shall include for  
20 each office one or more ballots which have votes in excess of  
21 the number allowed by law to test the ability of the equipment  
22 and the marking device to reject such votes. If any error is  
23 detected, the cause shall be determined and corrected, and an  
24 errorless count shall be made prior to the official canvass and  
25 proclamation of election results.

26 The State Board of Elections, the State's Attorney and  
27 other appropriate law enforcement agencies, the county  
28 chairman of each established political party and qualified  
29 civic organizations shall be given prior written notice of the  
30 time and place of the retabulation and may be represented at  
31 the retabulation.

32 The results of this retabulation shall be treated in the  
33 same manner and have the same effect as the results of the  
34 discovery procedures set forth in Section 22-9.1 of this Code.  
35 Upon completion of the retabulation, the election authority  
36 shall print a comparison of the results of the retabulation

1 with the original precinct return printed by the automatic  
2 tabulating equipment. The comparison shall be done for each  
3 precinct and for each office voted upon within that precinct,  
4 and the comparisons shall be open to the public. Upon  
5 completion of the retabulation, the returns shall be open to  
6 the public.

7 (Source: P.A. 93-574, eff. 8-21-03.)

8 (10 ILCS 5/24B-16)

9 Sec. 24B-16. Approval of Precinct Tabulation Optical Scan  
10 Technology Voting Systems; Requisites. The State Board of  
11 Elections shall approve all Precinct Tabulation Optical Scan  
12 Technology voting systems provided by this Article.

13 No Precinct Tabulation Optical Scan Technology voting  
14 system shall be approved unless it fulfills the following  
15 requirements:

16 (a) It enables a voter to vote in absolute secrecy;

17 (b) (Blank);

18 (c) It enables a voter to vote a ticket selected in  
19 part from the nominees of one party, and in part from the  
20 nominees of any or all parties, and in part from  
21 independent candidates, and in part of candidates whose  
22 names are written in by the voter;

23 (d) It enables a voter to vote a written or printed  
24 ticket of his or her own selection for any person for any  
25 office for whom he or she may desire to vote;

26 (e) It will reject all votes for an office or upon a  
27 proposition when the voter has cast more votes for the  
28 office or upon the proposition than he or she is entitled  
29 to cast; and

30 (f) It will accommodate all propositions to be  
31 submitted to the voters in the form provided by law or,  
32 where no form is provided, then in brief form, not to  
33 exceed 75 words.

34 The State Board of Elections is authorized to withdraw its  
35 approval of a Precinct Tabulation Optical Scan Technology

1 voting system if the system fails to fulfill the above  
2 requirements.

3 The vendor, person, or other private entity shall be solely  
4 responsible for the production and cost of: all ballots;  
5 additional temporary workers; and other equipment or  
6 facilities needed and used in the testing of the vendor's,  
7 person's, or other private entity's respective equipment and  
8 software.

9 No vendor, person or other entity may sell, lease or loan a  
10 voting system or Precinct Tabulation Optical Scan Technology  
11 voting system component to any election jurisdiction unless the  
12 voting system or voting system component is first approved by  
13 the State Board of Elections pursuant to this Section.

14 (Source: P.A. 89-394, eff. 1-1-97; 89-700, eff. 1-17-97.)

15 (10 ILCS 5/24C-9)

16 Sec. 24C-9. Testing of Direct Recording Electronic Voting  
17 System Equipment and Programs; Custody of Programs, Test  
18 Materials and Ballots. Prior to the public test, the election  
19 authority shall conduct an errorless pre-test of the Direct  
20 Recording Electronic Voting System equipment and programs to  
21 determine that they will correctly detect voting defects and  
22 count the votes cast for all offices and all public questions.  
23 On any day not less than 5 days prior to the election day, the  
24 election authority shall publicly test the Direct Recording  
25 Electronic Voting System equipment and programs to determine  
26 that they will correctly detect voting errors and accurately  
27 count the votes legally cast for all offices and on all public  
28 questions. Public notice of the time and place of the test  
29 shall be given at least 48 hours before the test by publishing  
30 the notice in one or more newspapers within the election  
31 jurisdiction of the election authority, if a newspaper is  
32 published in that jurisdiction. If a newspaper is not published  
33 in that jurisdiction, notice shall be published in a newspaper  
34 of general circulation in that jurisdiction. Timely written  
35 notice stating the date, time, and location of the public test

1 shall also be provided to the State Board of Elections. The  
2 test shall be open to representatives of the political parties,  
3 the press, representatives of the State Board of Elections, and  
4 the public. The test shall be conducted by entering a pre-  
5 audited group of votes designed to record a predetermined  
6 number of valid votes for each candidate and on each public  
7 question, and shall include for each office one or more ballots  
8 having votes exceeding the number allowed by law to test the  
9 ability of the automatic tabulating equipment to reject the  
10 votes. The test shall also include producing an edit listing.  
11 In those election jurisdictions where in-precinct counting  
12 equipment is used, a public test of both the equipment and  
13 program shall be conducted as nearly as possible in the manner  
14 prescribed above. The State Board of Elections may select as  
15 many election jurisdictions as the Board deems advisable in the  
16 interests of the election process of this State, to order a  
17 special test of the automatic tabulating equipment and program  
18 before any regular election. The Board may order a special test  
19 in any election jurisdiction where, during the preceding 12  
20 months, computer programming errors or other errors in the use  
21 of System resulted in vote tabulation errors. Not less than 30  
22 days before any election, the State Board of Elections shall  
23 provide written notice to those selected jurisdictions of their  
24 intent to conduct a test. Within 5 days of receipt of the State  
25 Board of Elections' written notice of intent to conduct a test,  
26 the selected jurisdictions shall forward to the principal  
27 office of the State Board of Elections a copy of all specimen  
28 ballots. The State Board of Elections' tests shall be conducted  
29 and completed not less than 2 days before the public test  
30 ~~utilizing testing materials supplied by the Board~~ and under the  
31 supervision of the Board. The vendor, person, or other private  
32 entity shall be solely responsible for the production and cost  
33 of: all ballots; additional temporary workers; and other  
34 equipment or facilities needed and used in the testing of the  
35 vendor's, person's, or other private entity's respective  
36 equipment and software. ~~and the Board shall reimburse the~~

1 ~~election authority for the reasonable cost of computer time~~  
2 ~~required to conduct the special test.~~ After an errorless test,  
3 materials used in the public test, including the program, if  
4 appropriate, shall be sealed and remain sealed until the test  
5 is run again on election day. If any error is detected, the  
6 cause of the error shall be determined and corrected, and an  
7 errorless public test shall be made before the automatic  
8 tabulating equipment is approved. Each election authority  
9 shall file a sealed copy of each tested program to be used  
10 within its jurisdiction at an election with the State Board of  
11 Elections before the election. The Board shall secure the  
12 program or programs of each election jurisdiction so filed in  
13 its office for the 60 days following the canvass and  
14 proclamation of election results. At the expiration of that  
15 time, if no election contest or appeal is pending in an  
16 election jurisdiction, the Board shall destroy ~~return~~ the  
17 sealed program or programs ~~to the election authority of the~~  
18 ~~jurisdiction~~. Except where in-precinct counting equipment is  
19 used, the test shall be repeated immediately before the start  
20 of the official counting of the ballots, in the same manner as  
21 set forth above. After the completion of the count, the test  
22 shall be re-run using the same program. Immediately after the  
23 re-run, all material used in testing the program and the  
24 programs shall be sealed and retained under the custody of the  
25 election authority for a period of 60 days. At the expiration  
26 of that time the election authority shall destroy the voted  
27 ballots, together with all unused ballots returned from the  
28 precincts. Provided, if any contest of election is pending at  
29 the time in which the ballots may be required as evidence and  
30 the election authority has notice of the contest, the same  
31 shall not be destroyed until after the contest is finally  
32 determined. If the use of back-up equipment becomes necessary,  
33 the same testing required for the original equipment shall be  
34 conducted.

35 (Source: P.A. 93-574, eff. 8-21-03.)

1 (10 ILCS 5/24C-15)

2 Sec. 24C-15. Official Return of Precinct; Check of Totals;  
3 Audit. The precinct return printed by the Direct Recording  
4 Electronic Voting System tabulating equipment shall include  
5 the number of ballots cast and votes cast for each candidate  
6 and public question and shall constitute the official return of  
7 each precinct. In addition to the precinct return, the election  
8 authority shall provide the number of applications for ballots  
9 in each precinct, the total number of ballots and absentee  
10 ballots counted in each precinct for each political subdivision  
11 and district and the number of registered voters in each  
12 precinct. However, the election authority shall check the  
13 totals shown by the precinct return and, if there is an obvious  
14 discrepancy regarding the total number of votes cast in any  
15 precinct, shall have the ballots for that precinct audited to  
16 correct the return. The procedures for this audit shall apply  
17 prior to and after the proclamation is completed; however,  
18 after the proclamation of results, the election authority must  
19 obtain a court order to unseal voted ballots or voting devices  
20 except for election contests and discovery recounts. The  
21 certificate of results, which has been prepared and signed by  
22 the judges of election in the polling place after the ballots  
23 have been tabulated, shall be the document used for the canvass  
24 of votes for such precinct. Whenever a discrepancy exists  
25 during the canvass of votes between the unofficial results and  
26 the certificate of results, or whenever a discrepancy exists  
27 during the canvass of votes between the certificate of results  
28 and the set of totals reflected on the certificate of results,  
29 the ballots for that precinct shall be audited to correct the  
30 return.

31 Prior to the proclamation, the election authority shall  
32 test the voting devices and equipment in 5% of the precincts  
33 within the election jurisdiction. The precincts to be tested  
34 shall be selected after election day on a random basis by the  
35 State Board of Elections ~~election authority~~, so that every  
36 precinct in the election jurisdiction has an equal mathematical

1 chance of being selected. The State Board of Elections shall  
2 design a standard and scientific random method of selecting the  
3 precincts that are to be tested, and the election authority  
4 shall be required to use that method. ~~The State Board of  
5 Elections, the State's Attorney and other appropriate law  
6 enforcement agencies, the county chairman of each established  
7 political party and qualified civic organizations shall be  
8 given prior written notice of the time and place of the random  
9 selection procedure and may be represented at the procedure.~~

10 The test shall be conducted by counting the votes marked on  
11 the permanent paper record of each ballot cast in the tested  
12 precinct printed by the voting system at the time that each  
13 ballot was cast and comparing the results of this count with  
14 the results shown by the certificate of results prepared by the  
15 Direct Recording Electronic Voting System in the test precinct.  
16 The election authority shall test count these votes either by  
17 hand or by using an automatic tabulating device other than a  
18 Direct Recording Electronic voting device that has been  
19 approved by the State Board of Elections for that purpose and  
20 tested before use to ensure accuracy. The election authority  
21 shall print the results of each test count. If any error is  
22 detected, the cause shall be determined and corrected, and an  
23 errorless count shall be made prior to the official canvass and  
24 proclamation of election results. If an errorless count cannot  
25 be conducted and there continues to be difference in vote  
26 results between the certificate of results produced by the  
27 Direct Recording Electronic Voting System and the count of the  
28 permanent paper records or if an error was detected and  
29 corrected, the election authority shall immediately prepare  
30 and forward to the appropriate canvassing board a written  
31 report explaining the results of the test and any errors  
32 encountered and the report shall be made available for public  
33 inspection.

34 The State Board of Elections, the State's Attorney and  
35 other appropriate law enforcement agencies, the county  
36 chairman of each established political party and qualified

1 civic organizations shall be given prior written notice of the  
2 time and place of the test and may be represented at the test.

3 The results of this post-election test shall be treated in  
4 the same manner and have the same effect as the results of the  
5 discovery procedures set forth in Section 22-9.1 of this Code.  
6 (Source: P.A. 93-574, eff. 8-21-03; 94-645, eff. 8-22-05.)

7 (10 ILCS 5/24C-16)

8 Sec. 24C-16. Approval of Direct Recording Electronic  
9 Voting Systems; Requisites. The State Board of Elections shall  
10 approve all Direct Recording Electronic Voting Systems that  
11 fulfill the functional requirements provided by Section 24C-11  
12 of this Code, the mandatory requirements of the federal voting  
13 system standards pertaining to Direct Recording Electronic  
14 Voting Systems promulgated by the Federal Election Commission  
15 or the Election Assistance Commission, the testing  
16 requirements of an approved independent testing authority and  
17 the rules of the State Board of Elections.

18 The State Board of Elections is authorized to withdraw its  
19 approval of a Direct Recording Electronic Voting System if the  
20 System, once approved, fails to fulfill the above requirements.

21 The vendor, person, or other private entity shall be solely  
22 responsible for the production and cost of: all ballots;  
23 additional temporary workers; and other equipment or  
24 facilities needed and used in the testing of the vendor's,  
25 person's, or other private entity's respective equipment and  
26 software.

27 No vendor, person or other entity may sell, lease or loan a  
28 Direct Recording Electronic Voting System or system component  
29 to any election jurisdiction unless the system or system  
30 component is first approved by the State Board of Elections  
31 pursuant to this Section.

32 (Source: P.A. 93-574, eff. 8-21-03.)